

MEMORANDUM OF UNDERSTANDING
BETWEEN THE CENTRAL INTELLIGENCE AGENCY
AND THE NATIONAL ARCHIVES AND RECORDS SERVICE

SUBJECT: Accessioning Records of CIA Predecessor Wartime Organizations into the National Archives of the United States - Associated Responsibilities and Procedures

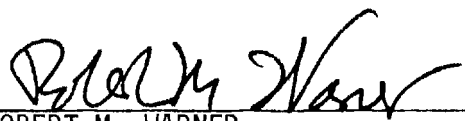
1. In considering the transfer of Records of the Central Intelligence Agency (CIA) Predecessor wartime organizations, primarily those of the Office of Strategic Services (OSS), to the National Archives and Records Service (NARS) for accessioning and release to the public, the CIA has expressed concerns that the records may contain information that is inappropriate for immediate access. For purposes of simplicity, these records will hereafter be referred to as the "OSS records." NARS has provided assurances that its processing procedures will address and resolve these concerns before access is provided. This Memorandum of Understanding reflects mutual agreement that the CIA and NARS review procedures, outlined below will serve to expedite the release of OSS records to the public while providing appropriate safeguards against premature access.
2. The OSS records will be examined for declassification by the CIA. Documents or portions of documents under the final declassification jurisdiction of the CIA (successor Agency) which are found still to contain national security information despite the passage of time will be withdrawn from the records and withheld in the custody of the CIA. A withdrawal card bearing a unique number will be substituted for the withdrawn material. Upon completion of the CIA's examination, the records appropriate for transfer as permanent records will be sent to NARS for accessioning. The records will consist of declassified and unclassified material, except as indicated below.
3. Classified material which the CIA has determined does not require continued protection insofar as that agency's interests are concerned, but which may require continued national security protection in the interest of some other U.S. agency or of a foreign government will be transferred along with the declassified and unclassified OSS records. Such classified material will be identified by the CIA examiners by placing a tab around the relevant material or by affixing a tag to the individual items. It will be the responsibility of National Archives declassification specialists to review such identified classified material for possible declassification at appropriate intervals in accordance with applicable Executive Orders and Information Security Oversight Office directives. The CIA's Information and Privacy Coordinator will assist NARS officials responding to access requests when the identification of the responsible U.S. agency is unclear or when transmittal to the appropriate foreign government is required for declassification determination.
4. NARS will screen and withhold from access and/or refrain from copying for the public declassified or unclassified accessioned OSS records containing information about a living individual which reveal details of a highly personal nature that the individual could reasonably assert a claim to withhold from the public to avoid a clearly unwarranted invasion of privacy, including but not

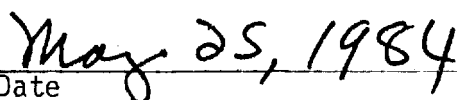
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limited to information about the physical or mental health or the medical or psychiatric care or treatment of the individual, and that contain personal information not known to have been previously made public, and relate to events less than 75 years old (41 CFR 105.61.5302-4).

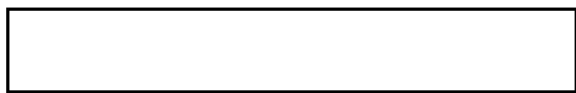
5. It is agreed that the OSS records still contain sensitive documents which could cause adverse international repercussions. Therefore, as records are transferred, NARS will conduct initial screening on a series or subseries basis. When files or documents are requested, a re-screening will be performed on potentially sensitive records before such items are furnished to researchers. At such time, NARS reviewers will exercise discretion regarding the release of records that might cause national or international repercussions. In case of doubt, or where CIA has identified sensitive records, NARS will consult with appropriate information specialists of the CIA concerning the propriety and/or legal basis for continued denial or release.

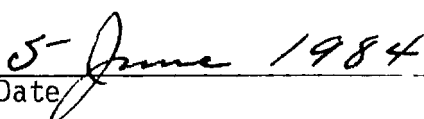
6. The procedures set forth in this Memorandum of Understanding will become effective upon execution of this Memorandum of Understanding by both NARS and CIA.


ROBERT M. WARNER
Archivist of the United States


Date

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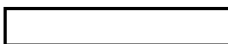

HARRY A. FITZWATER
Deputy Director for Administration
Central Intelligence Agency


Date

26 October 1983

MEMORANDUM FOR: Acting Deputy Director for Administration

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FROM:



Director of Information Services

SUBJECT: Historical Access/Declassification Review Program

1. As you know, there has been an exchange of correspondence--in connection with the FOIA relief bill--between Senator Durenberger and the DCI on the matter of declassifying selected Agency material for use by historians. That correspondence is attached for your convenience at Tab A. Given the tone and substance of this correspondence, it seems to me that the Agency is committed to this program--even if the FOIA relief bill is not enacted. In view of the commitments made in the correspondence to embark on a declassification review program, we thought you might want our preliminary views on how it should be implemented.

2. The program will involve the review for declassification of selected materials from non-designated files that contain information of interest to historians and in which useful portions are declassifiable. In time, the program will also involve de-designated files, i.e., those files which originally were designated by the DCI as exempt from FOIA search and review but which later have their status changed to non-designated files.

a. Selecting the Files for Review

(1). The selection procedure will begin only after the designated and non-designated files have been identified; only the non-designated files will be subject to the selection process. To identify what information would be of most interest to historians, the selection process should actively involve the Agency Historian and his staff. As professionals in the field, experienced in dealing with other Government and outside historians, they are in the best position to judge what material historians are interested in; also, they have the contacts to obtain outside views and to maintain the program's focus so that it will best serve the purpose intended.

(2). The selection process must also include the active participation of experienced review elements of the Agency which are best able to identify and judge which files contain reasonable portions of declassifiable information. There could

be a separate review element in each Directorate or a single unit with all Directorates represented. Once agreement has been reached on the material that would be of interest to historians and which is reasonably declassifiable, a recommendation would be forwarded to the responsible Directorate which would release the material for declassification review or recommend to the DCI that he withhold it.

b. Review of the Files

Given the success of the Agency's earlier Systematic Classification Review Program which was organized and operated under Executive Orders 11652 and 12065 from 1977 to 1982, we recommend that a single unit be given the responsibility for reviewing material under this new program. It would make use of the experience gained from the previous program; moreover, our experience has shown that the earlier program--with its central review, coordination, processing, and recording of selected material--was cost effective, produced the most consistent results, and maintained a better record of the actions taken and information released. The Classification Review Division (CRD) of this Office is the unit that conducted the previous Systematic Classification Review Program. CRD personnel represent all the Directorates; they have reviewed records from all the Directorates; they are in a good position to know what records might fit into this new program; they are responsible for the DARE computer system which records the status of documents previously reviewed systematically (many documents that may fall within the category desired by historians have already been declassified); and CRD has the experience of reviewing historical material from other agencies, notably the State Department and the military services. We see CRD as the action office to implement the new program in collaboration with the Agency Historian.

c. Procedures for Review

Non-designated files selected for the program will be given directly to the review element in CRD, which will: make a record of the material, conduct the initial declassification review of each document, coordinate that review internally and externally as necessary, make copies of releasable documents (so the original file will remain intact for continued internal Agency use), record the actions taken, process the documents by sanitizing, if this is to be done, prepare them for release, and forward them to the custodial point where they can be made available to historians and other interested parties.

d. Personnel Required

The staff of the Agency Historian in the Office of the DCI consists of [] historians, [] history assistant, and [] secretary. This staff may need to be augmented by additional historians if it is to play an active role in the selection process of the new program. CRD currently has a total of [] personnel-- [] reviewers (including management personnel) and [] secretarial/clericals. To take on the additional responsibilities as outlined above would require an increment of personnel equivalent to the productivity desired. The productivity rate will depend on the type of records reviewed, whether or not we sanitize documents, the amount of time spent on the selection process, training time for new reviewers, degree of inter-Agency coordination required, and proportional clerical help. We anticipate using annuitants on contract to do most of the review under the supervision of a small cadre of staffers. Clerical help would be staff employees and computer systems would be used to record the documents involved and results of our reviews. Senator Durenberger has indicated budget support for a [] positions. As a very preliminary estimate, we see [] positions added to the History Staff and [] to CRD.

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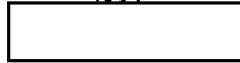
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e. Funds and Space

Both of these will be essential but will depend upon the number of reviewers and clerical personnel that are hired and the computer terminals and equipment that might be necessary.


3. Let me suggest that sometime within the next several weeks we meet to discuss the above or any other approach you might want to consider. It would be prudent for the Agency to be prepared to move on a selective declassification program quickly to fulfill the Director's commitment to Senator Durenberger, certainly soon after enactment of the FOIA relief act, if not earlier. There is still plenty of time to work out the specifics as well as to discuss how we obtain the additional resources offered by Senator Durenberger to institute the selective historical access/declassification review program discussed by the Senator in his exchange of correspondence with the Director.

4. For your information, we have a sizeable holding of unclassified material, some of which could be of significant interest to historians, which could be released quickly. That material is described at Tab B.



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Attachments:
As stated

D/OIS:  (26 Oct 1983)

Distribution:

Original - Adse w/atts

✓ - C/CRD w/atts

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1 - D/OIS Subject w/atts (CLAS REVIEW 7)

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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

C/CRD

EXTENSION

NO.

DATE

8 Mar 85

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

RECEIVED

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8 MAR 1985

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Draft response
for SSC1.
Questions apparently
relate to the
budget

27 November 1984

MEMORANDUM FOR: Director of Information Services

FROM: Chief, Classification Review Division

SUBJECT: Organizational Developments Required to
Implement the Historical Review Program

1. PERSONNEL: At the present time CRD has a total of [] positions, [] of those are review and management personnel. [] of those positions are vacant [] will be vacated in January 1985 and [] in September 1985 due to retirements. This makes a total of [] reviewer positions (GS-13) to fill over the near term.

a. OIS has been given [] positions for the Historical Review Program. This will include [] reviewer positions (GS-13) and [] for Intelligence Assistants (GS-7, GS-9, and GS-11 being requested).

b. To fill these positions, OIS will circulate vacancy notices for the reviewer and IA positions. In addition, memos will be sent to the DI and the DO requesting agreement on creating two rotational positions each for the DI and the DO. Since we will be reviewing records from these two directorates, primarily it is in their best interests, as well as ours, to have good, experienced, dependable, and trusted officers in this program. Finally, as word gets around that positions are available, persons will seek us out and propose themselves; this is already happening to a limited degree.

2. SPACE: A memo must be sent to OT&E for return of the approximately 1,404 square feet in Room 336 of Ames Building. That room was only loaned to OT&E and they were made aware from the beginning that we would eventually require it be returned. That room, which could accommodate [] people, should be sufficient for CRD's immediate needs or until such time as we might become heavily involved in other review work leading to centralized review. For example, CRD could take on review and coordination of all mandatory review requests under E.O. 12356 using our current personnel (about 240 requests a year). If we are then given referrals from other agencies to review and coordinate (900-1000 per year), CRD would need [] additional reviewers.

SUBJECT: Organizational Developments Required to Implement the
Historical Review Program

3. EQUIPMENT: CRD will use Delta Data terminals and the VM/NOMAD system to record information pertinent to classification/declassification questions in the RIMS data base. This data is primarily recorded to assist people in making classification decisions and therefore will be used daily by all CRD reviewers. CRD already has two Model 8260T Delta Data terminals and one printer. We will need an additional nine Delta Data terminals and two printers. In WANG equipment, which has been on order for some time, will be used for word processing. CRD will get three WANG terminals, one printer, and furniture styled for use with computer equipment to furnish two work stations. These will be for the CRD secretary and the data transcriber. This equipment will cost \$52,000 and CRD has \$50,000 in the current budget.

ATTACHMENT

27 November 1984

MEMORANDUM FOR: Director of Information Services

FROM: Chief, Classification Review Division

SUBJECT: Procedural Policies Proposed for use
in the Historical Review Program

1. By an exchange of letters with Senator Dave Durenberger in October 1983, the Director agreed to establish a selective declassification review program of Agency material of interest to historians. The objective was to identify material of greatest interest to historians and sufficiently declassifiable so that meaningful and useful portions could be released. Approval is now requested on the following policies which will govern the establishment of the Historical Review Program:

- a. Only non-designated and de-designated files will be considered for the program. Generally speaking, only permanent records will be considered for the program but exceptions may be made for temporary records of particular importance or significance to historians.
- b. The selection process will concentrate on older material, first 30 years and then 20 years old, but this does not exclude the possibility of considering more recent material where special interest is present, e.g., Vietnam.
- c. The Chief, DCI History Staff, after consulting with CIA components, historical officers of other government agencies, the Archivist of the United States and others, will determine what topics are of the greatest interest and importance.
- d. Each directorate will determine which of its files contain information responsive to the topics selected by the historians, determine whether the files are suitable for the program on general security grounds, and whether a meaningful and useful portion can be declassified for release. The Chief, DCI History Staff, and DA/OIS/CRD personnel are available to assist the directorates in this process.
- e. Each directorate will have final authority to decide which of their files will be offered to the program.

f. The systematic declassification review of the selected files will be done by DA/OIS/CRD. That review will be conducted under Executive Order 12356 to protect all information classified on national security grounds. They will coordinate the review within the Agency, principally with the responsible directorate, and with other U.S. government agencies as necessary.

g. Only minor and incidental sanitizing, that which will leave the substance of a document intact, will be undertaken on individual documents during the review process.

h. When a document is declassifiable according to this program, a copy of it will be made and the original file copy will be left in the file, but marked to indicate that a copy had been made for the Historical Review Program.

i. When a document cannot be declassified for the program, a notation will be placed in the new file that a document was withheld. There is no way to prevent FOIA requests for such withdrawn documents but we could ask NARS to attempt to deflect such requests on the basis that the classification of the document was so recently reviewed. Obviously this argument will lose strength with the passage of time. Another argument is that FOIA and mandatory requests would slow down the systematic Historical Review Program.

j. Each directorate will be the final authority to decide whether particular material will be released and the form in which it is released.

k. When the declassification review and coordination have been completed, the releasable portion of the files will be offered to NARS by DA/OIS/IRMD working jointly with the directorate. NARS will be responsible for making the material available to the public and for protecting privileged information such as that covered by the Privacy Act, copyrights, etc. (NOTE: We should get an informal opinion from NARS whether or not they will accept these records under these conditions!)

l. A computerized record of the Historical Review Program will be made using either an existing system such as DARE or DECAL, or a separate system that more completely meets the need.

OIS 84-610
30 November 1984

MEMORANDUM FOR: Deputy Director for Administration

FROM:

Director of Information Services

SUBJECT: Proposed Schedule of Steps to Implement
the Historical Review Program (HRP)

Listed below in chronological order are the steps that we believe necessary to implement the Historical Review Program (HRP). Each step outlines what action should be taken and who should take it. We plan to discuss this schedule with the involved components and suggest that we all use it as our general guide to action. With this common guide we can get the program moving, while recognizing that changes may be needed later if things, as often happens, do not go as planned:

STEP 1: Determine what records may respond to the HRP, how they are organized and stored, and how they can be accessed.

WHO: Representatives of the History Staff and Office of Information Services, and the directorates' Records Management Officers.

WHAT: Representatives of the History Staff and Office of Information Services will first meet with the Records Management Officers concerned to survey DI, DA, and DCI area records; DO and DS&T records will be similarly surveyed once these directorates have designated their files under the CIA Information Act.

WHEN: Begin as soon as possible. (The 1945-47 SSU and CIG records in the declassified "OSS" records are immediate candidates for transfer to the National Archives under the HRP.)

STEP 2: Identify and list in priority order topics of historical interest.

WHO: History Staff

WHAT: In light of Step 1's survey of Agency records, the History Staff will consult with government history offices and other historians to produce a list in priority order of topics of historical interest for the HRP.

WHEN: Carry out consultations and draft tentative lists concurrently with Step 1 above.

STEP 3: Carry out consultation and report requirements of Section 3 of the CIA Information Act.

WHO: History Staff (in coordination with OIS and other components concerned.)

WHAT: (a) Consult with Archivist of the United States on his selection of "appropriate representatives of the historical discipline". (b) Represent the DCI in discussing with the Archivist of the United States, the Librarian of Congress, and the historians the Archivist selects the question of "the feasibility of conducting systematic review for declassification and release of Central Intelligence Agency information of historical value." (This will include Agency briefings on the nature and progress of the Historical Review Program). (c) Draft the required DCI report to Congress on this question.

WHEN: (a) Consult with the Archivist on his selection of historians as soon as possible. (b) Arrange discussions and briefings as soon as representatives are ready and the HRP is underway. (c) Begin drafting and coordinating DCI report by no later than 1 April 1985, for submission to four congressional committees by 1 June 1985.

STEP 4: Select and locate records of historical interest in order of priority.

WHO: History Staff, Office of Information Services, Directorate Records Management Officer and records personnel; National Archives liaison personnel as needed.

WHAT: Match records availability (Step 1) with topics selected (Step 2) to determine the highest priority records that we can readily produce and declassify. Use search indices and finding aids to locate responsive records. As far as possible select and locate classes or groups of records suitable for declassification review and transfer to the National Archives.

WHEN: Begin with the already declassified OSS successor organization records, 1945-47.

STEP 5: Collect the records selected from wherever they are held.

WHO: Directorate Records Management Officer and other records personnel; Office of Information Services' personnel are available to assist.

WHAT: Gather the records selected.

WHEN: Begin as soon as records of historical interest are selected and located (Step 4 above).

STEP 6: Review records for declassification.

WHO: Office of Information Services.

WHAT: Review for declassification, coordinating procedures (including guidelines for sanitizing records) closely with the directorate that will make the final declassification decision.

WHEN: As soon as the directorates collect the records.

STEP 7: Carry out final review, if desired, and authorize release.

WHO: The directorate that holds the material.

WHAT: Review the material already processed by the Office of Information Services, to approve, disapprove or amend (e.g. by additional deletions) the decisions taken, and to give the final decision on release.

WHEN: After initial review and processing by the Office of Information Services.

STEP 8: Arrange to transfer groups of records as declassified to the National Archives.

WHO: Office of Information Services.

WHAT: Prepare declassified records for transfer to the National Archives, ensuring that all classified information has been removed, and that the records are in proper order for NARS processing and release to the public.

WHEN: After all declassification review and coordination, both internal and external, have been completed and each document proposed for release has been confirmed as declassified.

STEP 9: Record actions in a computer data base for the Historical Review Program.

WHO: Office of Information Services.

WHAT: Identify the records selected for the Historical Review Program, noting the documents withheld, and those released in full or in sanitized form.

WHEN: As soon as possible after the responsible directorate has given its final approval on declassification.



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